

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

KONINKLIJKE PHILIPS N.V., et al.,

Plaintiffs,

vs.

DIGITAL WORKS, et al.,

Defendants.

Case No. 2:13-cv-01341-JAD-NJK

ORDER

(Docket No. 116)

Pending before the Court is Plaintiffs' Rule 56(d) motion for discovery, filed June 9, 2014. Docket No. 116. The Court has considered the motion, response and reply. Docket Nos. 116, 121, 127. The Court finds that the motion is appropriately resolved without oral argument. *See* Local Rule 78-2.

Plaintiffs request that the Court grant their "Rule 56(d) motion ... to allow [Plaintiffs] time to conduct discovery" in order to oppose Defendants' motion for summary judgment, since, at the time Defendants' motion for summary judgment was filed, discovery had "only just begun."¹ Docket No. 116-1, at 2, 15. In support, Plaintiffs refer the Court to the Ninth Circuit's decision in *Nissan Fire & Marine Ins. Co. v. Fritz Cos.*, 210 F.3d 1099, 1105-1106 (9th Cir. 2000) ("The nonmoving party, of course, must have had sufficient time and opportunity for discovery before a moving party will be permitted to carry its initial burden of production by showing that the nonmoving party has insufficient evidence").

¹

Defendants filed their motion for summary judgment on May 16, 2014. Docket No. 108. Plaintiffs responded on June 9, 2014, and Defendants replied on June 27, 2014. Docket Nos. 117, 120.

1 A review of the Discovery Plan and Scheduling Order in this matter reveals that discovery closed
2 in this case on July 26, 2014.² Docket No. 101, at 2. The Court finds that Plaintiffs have now had
3 sufficient time and opportunity for discovery” *Id.* Since Plaintiffs responded to Defendants’ motion for
4 summary judgment before discovery was complete, however, to the extent any of the facts or arguments
5 need to be supplemented as a result of discovery, the Court allows Plaintiffs time to supplement their
6 response. Fed. R. Civ. P. 56(d)(3).

7 Accordingly, Plaintiffs’ Rule 56(d) motion for discovery, Docket No. 116, is hereby **GRANTED**
8 in part.

9 **IT IS FURTHER ORDERED** that Plaintiffs may supplement their response to Defendants’ motion
10 for summary judgment, only to the extent that discovery completed after June 9, 2014, affects the response
11 previously filed, no later than August 22, 2014.

12 **IT IS FURTHER ORDERED** that Defendants may supplement their reply, only to reply to
13 supplemental arguments made by Plaintiffs as a result of this Order, no later than September 2, 2014.

14 IT IS SO ORDERED.

15 DATED: August 8, 2014.

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NANCY J. KOPPE
United States Magistrate Judge

26 Despite the close of discovery, the Court granted the parties leave to conduct the deposition of Savvi
27 Marketing, LLC, on July 31, 2014. Docket No. 130. That date, too, has now passed.